

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RYDEX, LTD.,

Plaintiff,

v.

FORD MOTOR COMPANY, et al.,

Defendants.

Case No. 4:11-CV-00122

JURY TRIAL DEMANDED

SCHEDULING ORDER

IT IS HEREBY ORDERED that after consultation with the parties, the following schedule will apply in this case:

1	12/20/2011	<p><u>Comply with P.R. 3-1 and P.R. 3-2: Parties to make disclosure of asserted claims and preliminary infringement contentions & make document production.</u></p> <p><i>After this date</i>, it is necessary to obtain leave of court to add and/or amend infringement contentions, pursuant to Patent Rule (P.R.) 3-7.</p> <p>Join additional parties. It is not necessary to file a motion to join additional parties before this date. Thereafter, it is necessary to obtain leave of court to join additional parties.</p> <p>Add new patents and/or claims for patents-in-suit. It is not necessary to file a motion to add additional patents or claims before this date. Thereafter, it is necessary to obtain leave of court to add patents or claims.</p>
2	2/21/2012	<p>Comply with P.R. 3-3 and 3-4: Parties to serve preliminary invalidity contentions and make document production. Thereafter, it is necessary to obtain leave of Court to add and/or amend invalidity contentions, pursuant to P.R.. 3-7.</p>

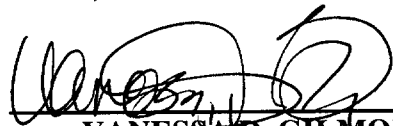
		Add any inequitable conduct allegations to pleadings. Before this date, it is not necessary to file a motion for leave to add inequitable conduct allegations to pleadings. Thereafter, it is necessary to obtain leave of court to add inequitable conduct allegations to pleadings.
3	3/6/2012	Comply with P.R. 4-1: Parties' exchange of proposed terms and claim elements needing construction.
4	3/27/2012	Comply with P.R. 4-2: Parties' exchange of preliminary claim constructions and extrinsic evidence. Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
5	4/24/2012	Deadline to comply with P.R. 4-3: Filing of joint claim construction and pre-hearing statement. Disclosure of parties' claim construction experts & service of FED. R. CIV. P. 26(a)(2) materials
6	4/24/2012	Deadline for all parties to file amended pleadings (pre-claim construction). It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. (It will be necessary to file a Motion for Leave to Amend after this deadline.) NOTE: If the amendment would affect preliminary infringement contentions or preliminary invalidity contentions, a motion must be made pursuant to P.R. 3-7 irrespective of whether the amendment is made prior to this deadline.
7	5/29/2012	Each party to provide name, address, phone number, and curriculum vitae for up to three (3) candidates for a court-appointed special master (see FED. R. CIV. P. 53) or court-appointed expert (see FED. R. EV. 706), with information regarding the nominee's availability for <i>Markman</i> hearing or other assignments as deemed necessary by the court. The parties shall indicate if they agree on any of the nominees.
8	5/29/2012	Deadline for parties (optional) to provide Court with written tutorials concerning technology involved in patent in issue . If a special master or court-appointed expert is hereafter selected, the

		parties will provide each tutorial to the master or expert.
9	5/8/2012	Responses to amended pleadings due.
10	5/15/2012	Discovery deadline on claim construction issues (<i>see</i> P.R. 4-4)
11	6/20/2012	Comply with P.R. 4-5(a): the party claiming patent infringement must serve and file a Claim Construction Opening Brief with its supporting evidence. The moving party is to provide the Court with 2 copies of the binders containing their Opening Brief and exhibits. If a special master or court-appointed expert has been appointed, the moving party must provide the Opening Brief on disk or CD along with a hard copy, tabbed and bound in notebook format with exhibits, to the special master or court-appointed expert.
12	6/20/2012	Comply with P.R. 4-5(b): Responsive Brief and supporting evidence due to party claiming patent infringement. The moving party is to provide the Court with two (2) courtesy copies of the Responsive Brief and exhibits. If a special master or court-appointed expert has been appointed, the nonmoving party must supply a copy of its Response on disk or CD along with a hard copy, tabbed and bound in notebook format with exhibits, to the special master or court-appointed expert.
13	7/1/2012	Comply with P.R. 4-5(c): Party claiming infringement shall file a Reply Brief and supporting evidence on claim construction. The moving party is to provide the Court with two (2) copies of the Reply Brief and exhibits. If a special master or court-appointed expert has been appointed, the moving party must provide the Reply Brief on disk or CD along with a hard copy, tabbed and bound in notebook format with exhibits, to the special master or court-appointed expert. Parties to file a notice with the Court stating the estimated amount of time requested for the Claim Construction (<i>Markman</i>) Hearing. The Court will notify the parties if it is unable to accommodate this request.
14	7/10/2012	Parties to submit Claim Construction Chart in WordPerfect 8.0 (or higher) format in compliance with P.R. 4-5(d).
15	7/13/2012	Claim Construction (<i>Markman</i>) Hearing at ____ .m. at the United States District Court, 515 Rusk Street, Courtroom 9-A, Houston, Texas

16	9/18/2012	Court's Decision on Claim Construction (Markman Ruling) <i>(If ruling is late, parties may seek amendment of remaining dates in Scheduling Order.)</i>
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The Clerk shall enter this Order and provide a copy to all parties.

SIGNED on this the 9th day of September, 2011, at Houston, Texas.



VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE